

## **ARGUMENTS/REMARKS**

### **Prior Prosecution History**

In the first Office Action dated March 10, 2004, the Examiner indicated the presence of allowable subject matter in claims 18-35, and in reply applicant cancelled claims 1-17 and 36-43 in favor of their presentation for consideration in a continuation application. In response to a restriction requirement, claims 44-45 were withdrawn from prosecution. As a result of these amendments, only allowable claims 18-35 remained.

In the second Office Action dated December 2, 2004, reversing the previous indication of allowable subject matter, the Examiner rejected claims 18-35 under 35 U.S.C. §103(a). Claims 18-22 were rejected as unpatentable over Yacenda et al. (U.S. Patent 5,822,418) in view of Borland et al. (U.S. Patent 6,246,765). Claims 23-24 were rejected as unpatentable over Yacenda in view of Borland and further in view of Simon et al. (U.S. Published Application 2001/0050976). Claims 25-35 were rejected as unpatentable over Yacenda in view of Simon. Yacenda and Borland (together with Bennett et al, U.S. Patent 6,370,233, cited but not applied to any of claims 18-35) were cited previously by the Examiner in the first Office Action. In reply to the second Office Action, applicant amended the claims and argued their nonobviousness in view of the references, including Bennett.

In the Final Office Action dated June 3, 2005, the claims 18-35 are again rejected but on different grounds: claims 18-35 are rejected as unpatentable over Yacenda in view of Bennett (first cited by the Examiner in the first Office Action, see Notice of References Cited) both of which references were specifically addressed and argued by applicant in reply to the second Office Action.

### **Response to Rejection in Final Office Action**

In order to reduce pending issues and to more clearly present what applicant believes are the nonobvious features of applicant's invention and to place them in better condition for allowance or appeal, the claims have been amended as follows:

Independent claim 18 has been amended to incorporate the subject matter of now canceled claims 19-21 (maintaining a list of restricted outbound numbers in the base station database and updating the network database by making a wire line telephone call over the network serving the common telephone line when the base station database records change, and then terminating the wire line telephone call). Claim 18 also has been amended to more clearly present some of the aspects of the claims that applicant previously has argued confer patentability with respect to Yacenda and Bennett.

The subject matter of dependent claims 22-24 (updating the network database of claim 18 by telephoning, email, or mail to a customer service department) has been collapsed into a single amended claim 22 (updating by submitting a message by telephone, email or mail to a customer service department) and claims 23-24 have been canceled.

Independent claim 25 has been amended to incorporate the subject matter of now canceled claims 26-28 (maintaining a list of restricted inbound numbers in the base station database and updating the network database by making a wire line telephone call over the network serving the common telephone line when the base station database records change, and then terminating the wire line telephone call). Claim 25 has also been amended to recite an additional step, "providing another service to the caller if said at least one required person is not present at the location served by the common telephone line" to incorporate the substance of what had been recited in claims 32-35 (playing an announcement, returning a ringing signal, transferring to a voice mailbox, or transferring to an alternative number if the required person is not present), and claims 32-35 are now canceled. Additionally, claim 25 was amended to more clearly present what applicant believes are some of the nonobvious aspects of the claims that applicant previously argued with respect to Yacenda and Bennett.

The subject matter of dependent claims 29-31 (updating the network database of claim 25 by telephoning, email, or mail to a customer service department) has been collapsed into a single amended claim 29 (updating by submitting a message by telephone, email or mail to a customer service department) and claims 30-31 have been canceled.

As a result of these and previous amendments, only claims 18, 22, 25 and 29 remain in the application.

It is respectfully submitted that amended independent claims 18 and 25 contain subject matter not fairly disclosed or suggested by Yacenda and Bennett, and that the claims accordingly are in condition for allowance (or alternatively for entry for purposes of appeal).

Claim 18 describes a method for managing restricted outbound telephone service for a plurality of persons sharing a common telephone line based on network database records maintained by a network controller located in the telephone network providing telephone service to the common telephone line, the network database records being checked when an outbound call is made on the common telephone line to determine whether the outbound telephone call appears on a list of restricted outbound telephone numbers maintained in the network database and whether the network database shows a person at the location is associated with a restricted outbound number on the restricted outbound number list, whether a person sharing the common telephone line is at the location served by the common telephone line, and if so permitting said telephone call to be completed. The method of claim 18 uniquely provides databases both in a base station at the location of the common telephone line and serving all the persons sharing the common telephone line, and in a network controller in the telephone network that provides telephone service to the common telephone line and the persons sharing the common telephone line. The base station database does two things: It records the presence and absence, at the location served by the common telephone line, of all the persons sharing the common telephone line, and it records a list of restricted outbound telephone numbers associated with persons sharing the common telephone line. The network controller database: maintains a record of the persons present or absent at the location of the common telephone number, maintains a list of subscriber telephone numbers (including the number associated with the common telephone line) that have restrictions on outbound calls, and for each subscriber number with restrictions on outbound calls, maintains a list of restricted outbound telephone numbers and the persons associated with the restricted outbound telephone numbers. Whenever the base station detects a change in the records in the base station database with respect to either the presence or absence of persons sharing the common telephone line, or the list of restricted outbound telephone numbers and persons associated therewith, the network database is updated by initiating a wire line telephone call over the common telephone line to the local telephone network controller, uploading said changed location records or restricted outbound telephone

number list records in the base station database via the wire line telephone call into the network database records, and after uploading said base station database, disconnecting said wire line telephone call to the local telephone network controller.

The method of claim 18 provides for actual call handling (record checking, call connecting) to be accomplished in the telephone network that provides telephone service, where it can be efficiently handled with high-speed network equipment and effectively coordinated with other services to be provided to persons sharing the common telephone line, but at the same time provides a base station at the location served by the common telephone line to keep track locally of who is at the location served by the common telephone line, and to permit the users of the common telephone line to input a list of restricted outbound telephone numbers (e.g., using a keyboard 308 as shown in FIG. 3A). Having a separate base station database to keep these records allows local data input by the users, which keeps cost of service lower, and effectively accommodates a situation encountered in a residential context where changes in the database records occur relatively infrequently (e.g., persons come and go to the location served by the common telephone line relatively infrequently, and outbound call restrictions are changed even less frequently) and updating of the network database can be arranged to take place only when a change is detected. If there are long periods when records do not change, then no updating is needed. The updating itself, because it occurs relatively infrequently, can be accomplished when the base station detects a change by initiating a wire line connection over the telephone line shared by the plurality of persons to the network controller, with uploading of the base station database records into the network database, and followed by termination of the wire line connection.

Turning now to the specific grounds for rejection, reconsideration is respectfully requested of the rejection of claim 18 as unpatentable over Yacenda in view of Bennett.

Yacenda discloses a PBX-based system typically for a single office in which each person is associated with a single PBX-type telephone connected to the PBX switch and the persons wander around the office premises away from the location served by their telephone and into locations served by telephones also connected to the PBX associated with other persons. Yacenda deals with the problem of keeping track of persons who are visiting locations served by other telephones connected to the PBX, and completing calls to them at

the other telephone numbers which are not their telephone numbers. A number of call-completion features are based on the presence, absence or location of the persons as detected by the system, but as the Examiner acknowledges at page 4 of the Final Office Action, there is no disclosure in Yacenda of controlling call completing using a list of restricted outbound calling numbers. In Yacenda, badge information is detected by transceivers 50, 52, 54, connected to the PBX and arranged to forward a portion of the badge information to the processing unit in order to show at what telephone location in the premises served by the PBX the badge is located. Alternatively, as shown in FIG. 2, a transceiver is incorporated into each of the telephones 12, 14 and 16. The badge location information can then be relayed by the telephones to the PBX through the existing telephone to PBX connections. Assuming for purposes of argument that a telephone with an incorporated transceiver is a "base station", although Yacenda discloses the use of badges to detect location and the forwarding of location information to the PBX or computer, nowhere in Yacenda is there a disclosure of a base station database for maintaining a record of both location information for all the persons to be served by a common telephone line, and a record (list) of restricted outbound telephone numbers associated with persons sharing a common telephone line. Nor is there any disclosure in Yacenda of a separate network controller database with records both of whether a person sharing a common telephone line is or is not at the location served by the common telephone line and of a list of restricted outbound telephone numbers associated with the subscriber number for the common telephone line and associated with one or more of the persons sharing the common telephone line. Nor is there any disclosure in Yacenda of updating of the network database records of location, or of the restricted outbound number list records, when the base station detects a change in either the base station records relating to person location or the records relating to call restrictions, with updating occurring by initiating a wire line telephone call over the network serving the common telephone line, uploading the base station database records into the network controller database, and terminating the wire line telephone connection. Nor is there a disclosure in Yacenda of using the network controller to check the network controller updated database when an outbound call is made to see if the call is on the restricted outbound call list, and if so, whether the person associated with the restricted outbound call is at the location served by the common telephone line, and if so, completing the call.

Bennett does not supply the disclosure missing in Yacenda. Bennett discloses a security system with call management functionality, with an on-premises controller 16 for enabling, disabling or changing telephone service based on user presence and identity as determined by a security controller receiving information via keypad, transponder or voice recognition. However, Bennett is completely on-premises without network data storage or control and thus contains no disclosure of a network controller database containing either location information or a list of restricted outbound calls associated with persons sharing a common telephone line, or any arrangement whereby upon detecting a change in at least one of said records relating to location or call restriction in a base station database, the base station initiates a wire line telephone call to said local telephone network controller, uploads said base station database into the network database, and thereafter disconnects said telephone call, thereby updating said network database to record whether said person is at the given location and to record changed outbound call restriction records. It follows that Bennett cannot disclose any arrangement wherein a telephone network controller determines how to provide services to the persons sharing a common telephone line in accordance with updated network database records by checking network database records to see if an outbound telephone call is on the restricted outbound call list, and if so, whether the person associated with the restricted outbound call is at the location served by the common telephone line, and if so, completing the call. Thus Bennett fails to disclose the features lacking in Yacenda and contains no suggestion to modify Yacenda to achieve the above-described features of the method of the present invention or its advantages.

Further, Bennett is completely silent as to any implementation of outbound call restriction. There is no clue as to how the call management controller 16 is to be made to accomplish any of the "kid kontrol" or "maid minder" functions that are described at col. 3, lines 9-19. If there were any basis for using the disclosure in Bennett to modify Yacenda to provide outbound call restriction, the only obvious modification would be to change Yacenda's PBX (its "controller") to provide "kid kontrol" in some undisclosed way. There would be no basis for providing a base station database with both location and outbound call restriction list records and updating a network controller database with a wire line telephone call when the base station detects a change in either of the records.

As noted above, updating of the network controller database in applicant's invention occurs through the initiation of a wire line telephone call over the network serving the common telephone line, uploading, and terminating the wire line connection. In contrast, Yacenda's system discloses a very different information recording and updating arrangement tied to its PBX operating environment, and tied to PBX methods used to communicate between telephone-transceiver 14 and the PBX. Accordingly, Yacenda does not disclose or suggest the dial up telephone line information handling arrangement of the present invention or its advantages in the context of residential use, which does not have PBX signaling at its disposal.

In the Yacenda patent, the transfer of badge information to the PBX is described in two places: in connection with telephone circuitry at col. 8, line 64 to col. 9, line 10 and in the section entitled "Communication Between the Telephone and the PBX" at col. 10, line 53 to col.12, line 19.

As described by Yacenda at col. 9, lines 1-10, the telephone 14 has a microcontroller 610 which

"formats the badge data including the IR energy level data into a microcontroller data frame (step 730). Microcontroller 610 then waits for an interrupt from the PBX and upon receipt thereof sends the badge data to the PBX. Alternatively, microcontroller 610 forwards the data frame to the PBX in a periodic basis (e.g., every 2 seconds) without any interrupt from the PBX. The data frame may be forwarded to the PBX, for example, via a robbed bit signaling technique, which will be described in more detail below (steps 740 and 750)."

The telephone and PBX are in continuous data communication, and the badge data are transferred either when the PBX requests a transfer (sends an interrupt) or periodically every 2 seconds. Updating to the PBX thus occurs whether the badge information or the microcontroller data frame undergoes a change or not, and communication channels are used for updating repetitively and unnecessarily.

Yacenda at col. 10, lines 54 to col. 12, line 19 provides data structure descriptions for badge data forwarding, with the following passages at col. 11, lines 12-24 noted: "The

transfer of the badge data to the PBX is preferably via a secondary channel of the PBX, such as the data channel of an IDS 228 PBX, available from EXECUTONE Information Systems, Inc. . . . Alternatively, a robbed bit signaling technique may be used, utilizing the robbed bit technique, one bit within every forth transmission of the microcontroller data frame is utilized for the transmission of the badge data. Thus the effective data transmission rate of the badge data is approximately 2 kilobits, while the overall data transmission rate between the PBX and the telephone is 64 kilobits.”

The Final Office Action, at page 3, cites several passages in Yacenda that purportedly disclose the claimed steps of initiating a wire line telephone call to said local telephone network controller, uploading said base station database into the network database, and thereafter disconnecting said wire line telephone call, thereby updating said network database to record whether said person is at the given location and to record new outbound call restrictions. The first two passages, col. 4, lines 5-25 and col. 7, lines 34-65, disclose respectively the transmission of data from the badge and the features of the microcontroller 510 present in the badge, but they do not disclose how the transmission takes place (it occurs as described in the paragraphs above). The next passage, col. 17, lines 30-40, describes procedures for providing messages to individuals who are unavailable or whose telephones are busy. Nothing here describes how the PBX is updated with location data, but only how to proceed based on that updated data. The next passage, col. 23, lines 20-25, describes the structure of a data table in computer 20 to indicate individual location and the provision of updated “in” or “out” information to an operator, but nothing here is said about how updating occurs. The last passage, col. 28, lines 1-38, describes the VLS (voice locator system) which permits a caller into the system to be given the location of the party he or she seeks, with the location being kept on a data table such as the one described at col. 23, lines 20-25, but with no disclosure at all of how the data is transferred to the data table. Accordingly, none of the cited passages of Yacenda disclose the methods of applicant’s invention relating to updating by detecting a change in base station database records and initiating a wire line telephone call over the network serving the common telephone line, uploading, and disconnecting the wire line connection.

As applicant has noted in the previous response, in the Yacenda environment of continuous PBX communication transmission resources are wasted by updating information



in the manner described by Yacenda. This is avoided by applicant's invention with much greater economic impact in the environment for which applicant's invention is primarily designed. Moreover, applicant's invention permits its use in environments where only standard telephone service, not PBX type service with separate data channels, is available. It is respectfully submitted that because of the different context and operation of Yacenda's system, Yacenda cannot be read to suggest either the structure or the advantages of the updating features of applicant's claimed invention.

Yacenda's and Bennett's systems accordingly do not disclose the method of claim 18, or of claim 22 which is dependent on claim 18. Claim 22 further recites that outbound restricted call list on the network controller database can be updated by submitting a message (by telephone, email or mail) to the customer service department of the local telephone network. Neither Yacenda nor Bennett discloses this, and the passages in Bennett cited by the Examiner to do so (col. 2, lines 6-42 and col. 2, line 65 to col. 3, line 19) make no reference to any messages sent to any customer service department of any local telephone network. As the controller 16 in Bennett is "located in house 10" (col. 2, line 6) it would appear to be impossible to change it by means of the customer service department in the local telephone network.

Claims 25 relates to a method for managing telephone service for a plurality of persons sharing a common telephone line based on determining whether a person sharing the common telephone line is at the location served by the common telephone line and for restricting completion of an inbound telephone call to the common telephone line to permit said telephone call to be completed only when a required person is present at the location served by the common telephone line. Claim 25 is otherwise similar to claim 18 and allowable over Yacenda and Bennett for the reasons discussed above. These reasons include the failure of Yacenda and Bennett to disclose dual databases in a base station and network controller, and updating of the records in the network database when a change is detected in the base station records of location, and in the case of the claims 25, a list of restricted inbound telephone numbers recorded in the base station, with updating occurring by initiating a wire line telephone call over the network serving the common telephone line, uploading the base station database records into the network database, and disconnecting the wire line

connection. These features are not disclosed in either Yacenda or Bennett for all of the reasons described above.

Claim 29, like claim 22, further recites that the network controller database can be updated by submitting a message (by telephone, email or mail) to the customer service department of the local telephone network. Neither Yacenda nor Bennett discloses this, and the passages in Yacenda cited by the Examiner to do so (col. 13, lines 16-65, col. 17, lines 15-65, col. 4, lines 5-25, col. 7, lines 34-45, col. 26, lines 56-67, col. 28, lines 1-38) make no reference to any messages sent to any customer service department of any local telephone network for the purpose of updating a list of restricted inbound telephone numbers for a common telephone line shared by a plurality of persons.

For the foregoing reasons, it is respectfully submitted that claims 18, 22, 25 and 29 are now allowable, and reconsideration and allowance of the claims in this case are respectfully requested. Alternatively, entry of the claims for purposes of appeal is requested. If there are any outstanding issues, the Examiner is invited to contact applicant's attorney at 203-838-8037.

Respectfully,  
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